

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. ....09/538,700  
Confirmation No. ....8704  
5 Filing Date .....March 30, 2002  
Inventorship .....Stephen J. Sicola  
Group Art Unit.....2113  
Examiner .....Duncan, Marc M.  
10 Attorney's Docket No. ....200301688-1  
Title: Method for Transaction Log Failover Merging During  
Asynchronous Operations in a Data Storage Network

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AUG 20 2004

**REQUEST FOR RECONSIDERATION OF PETITION FOR  
WITHDRAWAL OF ABANDONMENT**

15 Applicant hereby requests reconsideration of the Petition for Technology Center 2100

Withdrawal of Abandonment submitted April 2, 2004. The petition was

dismissed on April 22, 2004, on the basis that the Petition failed to

include a statement required under 37 CFR 1.8(b)(3). In support of this

Request for Reconsideration, Applicant submits herewith:

- 20 1. A complete copy of the Petition for Withdrawal of Abandonment  
filed April 2, 2004.  
2. A statement attesting by personal knowledge that the RCE of  
September 2, 2003, was timely transmitted on September 2,  
25 2003.

Respectfully Submitted,  
Jed W. Caven  
Caven & Aghevli  
Attorney for Applicants

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Dated: 8/20/04

Jed W. Caven  
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(720) 841.9544

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STATEMENT UNDER 37 CFR 1.8

The undersigned attorney hereby states on a personal knowledge  
15 basis that the Request for Continued Examination (RCE) attached  
hereto was timely transmitted to the United Stated Patent and  
Trademark Office on September 2, 2003.

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AUG 20 2004

Technology Center 2100

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Respectfully Submitted,  
William J. Kubida  
Hogan & Hartson  
Attorney for Applicants

Dated: 19 AUGUST 2004



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William J. Kubida  
Reg. No. 29,664  
(719) 448-5909

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**FAX COVER SHEET**

TO	Examiner Vincent Trans
COMPANY	U.S. Patent Office
FAX NUMBER	17033058266
FROM	Caven & Aghevli LLC
DATE	2004-08-20 14:12:21 GMT
RE	USSN 09/538,700 Request for Reconsideration

**COVER MESSAGE**

Per our telephone conversation, following please find a Request for Reconsideration of the Petition for Withdrawal of Abandonment accompanied by a Statement under 37 CFR 1.8 signed by William Kubida.

Please call me at 720.841.9544 with any questions.

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Technology Center 2100